



**REGULAR CITY COUNCIL MEETING  
FRISCO CITY HALL  
GEORGE A. PUREFOY MUNICIPAL CENTER  
COUNCIL CHAMBERS  
6101 FRISCO SQUARE BLVD.  
FRISCO, TEXAS 75034**

**5:30 PM**

**TUESDAY, JANUARY 06, 2009**

**MINUTES**

Mayor	Maher Maso	Present
Mayor Pro Tem	Tony Felker	Present
Deputy Mayor Pro Tem	Joy West	Present
Council Member	Scott Johnson	Present
Council Member	Jeff Cheney	Present
Council Member	David Prince	Present
Council Member	Bart Crowder	Present

**CALL TO ORDER**

**1. ROLL CALL**

Mayor Maso called the meeting to order at 5:33 p.m. and announced a quorum was present.

Deputy Mayor Pro Tem West would be arriving late.

Representing staff were: City Manager, George Purefoy; Deputy City Manager, Henry Hill; Assistant City Manager, Nell Lange; Assistant City Manager, Ron Patterson; Asst Director of Engineering Services, Liz Metting; Fire Chief, Mack Borchardt; Director of Library Services, Shelley Holley; Director of Planning & Development, John Lettelleir; Police Chief, Todd Renshaw; Development Coordinator, Scott Ingalls; City Attorney, Richard Abernathy and Sr. Administrative Assistant Estela Barrera.

## **CLOSED SESSION**

2. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Council member Cheney moved to Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;. Council member Crowder seconded the motion.

Passed

Vote: 5 - 0

For: Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Mayor Maso announced Council was in Closed Session at 5:37 p.m.

- A. Section 551.071. Meeting with City Attorney regarding a matter(s) in which the duty of the City Attorney under the Texas Disciplinary rules of Professional Conduct of the State Bar of Texas conflicts with the Open Meetings Act regarding:
    - i. Legal issues regarding the Code of Ethics.
  - B. Section 551.072. To deliberate the purchase, exchange, lease or value or real property located:
    - i. South of US 380, North of Lebanon Road, East of FM 423, and West of Hillcrest Road.
  - C. Section 551.087. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
3. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.

Deputy Mayor Pro Tem West arrived during Executive Session.

Council member Johnson moved to reconvene into Regular Session. Deputy Mayor Pro Tem West seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Mayor Maso announced Council was back in Regular Session at 6:47 p.m.

## **INVOCATION**

Pastor David Darnell from Central Christian Church led the invocation.

## **PLEDGE OF ALLEGIANCE**

Deputy Mayor Pro Tem West led the audience in the Pledge of Allegiance and the Texas Pledge of Allegiance.

## **REPORTS**

4. City recognition as a National Award Winner for outstanding participation in the "25th Annual National Night Out" (NNO) crime, drug and violence prevention program.

Officer Robert Monts presented the National Award Winner for outstanding participation in the "25th Annual National Night Out" crime, drug and violence prevention program.

In attendance were: Officer Robert Monts, Officer Glynda Covington, Chief Todd Renshaw, Patrick Stewart, Bob Duffy, and Cathy LeGeer.

5. Parks & Recreation Monthly Report regarding park and trail development, facilities, special events, and youth development.

Rick Wieland

6. Library Report on usage and programming activities.

Henry Hill introduced Shelley Holley as the new Library Director.

7. Engineering Services Monthly Update on road, traffic, water and sewer projects.

Liz Metting

## **CITIZEN INPUT (to begin approximately at 7:30 p.m.)**

Elizabeth Brady, 12747 127 Waltham Drive, Frisco, TX 75035 was present to address the Council regarding the rate increase for the lockers at the Frisco Recreation Aquatics Center.

Following Citizen Input Mayor Pro Tem Felker moved to recess into Executive Session in compliance with Section 551.072. Council member Cheney seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,  
David Prince.

Against: (None)

Mayor Maso announced Council was back in Executive Session at 7:28 p.m.

Council member Cheney moved to reconvene into Regular Session. Council member Johnson seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,  
David Prince;

Against: (None)

### **CONSENT AGENDA**

(Items placed on the Consent Agenda are considered routine in nature and are considered non-controversial. The Consent Agenda can be acted upon in one motion. A majority of the Council is required to remove any item for discussion and separate action. Council members may vote nay on any single item without comment and may submit written comments as part of the official record.)

Deputy Mayor Pro Tem West moved to approve the CONSENT AGENDA as submitted. Council member Crowder seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,  
David Prince.

Against: (None)

8. Consider and act upon approval of the minutes of the December 16, 2008 regular City Council meeting and the December 3, 2008 Joint meeting with the Planning and Zoning Commission. (CSO)

9. Consider and act upon Resolution to review, approve and adopt the City of Frisco Investment Policy. (Financial Services)

Resolution No. 09-01-01R

10. Consider and act upon adoption of a Resolution authorizing the City Manager to execute Amendment Number Two to Professional Services Agreement by and between Kimley-Horn and Associates, Inc. for Additional Design and Construction Phase Services related to the Preston Road Water Main and the Elevated Water Storage Tanks at FM 423 and near Preston Road and Main Street. (Engineering/AH)

09-01-02R

11. Consider and act upon the approval of a Resolution authorizing the City Manager to execute an Amendment to an Agreement by and between the City of Frisco and Lee Lewis Construction, Inc. for construction of the City Hall/Library and Plaza. (P&R)

09-01-03R

12. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and the Frisco Economic Development Corporation for the construction of Offsite Sanitary Sewer Improvements extending from the Rowlett Creek Metering Station to Independence Parkway. (Engineering)

09-01-04R

13. Consider and act upon authorization for the City Manager to execute Change Order Number 4 to the Standard Form Agreement for Construction Services by and between the City of Frisco and Fox Contractors, Inc. for construction services relating to the installation of Dallas Parkway 24" Water Line (Warren Parkway to Lebanon Road). (Engineering/DC)

14. Consider and Act Upon Award of Bid #0809-072, Annual Contract for EMS Medical Supplies to Boundtree Medical, Moore Medical, Henry Schein Matrix Medical, Southeastern Emergency Equipment, Quadmed Inc. and Kentron Health Care. (Fire Department)

15. Consider and act upon a Resolution authorizing the City Manager to execute Amendment Number Two to the Professional Services Agreement between the City of Frisco and Kimley-Horn and Associates, Inc. for Traffic Signal Design Services to modify the signal design at the intersection of Independence Parkway and Eldorado Parkway. (Engineering)

09-01-05R

16. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Collin County to provide funding for the construction of Eldorado Parkway from Dallas North Tollway to Preston Road. (Engineering/JB)

09-01-06R

17. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Collin County to provide funding for the design and construction of Independence Parkway from State Highway 121 to Main Street. (Engineering/JB)

09-01-07R

18. Consider and act upon adoption of a Resolution authorizing the City Manager to execute an Interlocal Agreement by and between the City of Frisco and Collin County to provide funding for the construction of Rolater Road from Independence Parkway to Custer Road. (Engineering/JB)

09-01-08R

19. Consider and act upon adoption of a Resolution authorizing the City Manager to execute a Standard Utility Agreement by and between the City of Frisco and the Texas Department of Transportation to provide funding for the relocation of City of Frisco utilities on SH 289 (Preston Road) from FM 3537 (Main Street) to US 380. (Engineering/JB)

09-01-09R

20. Consider and act upon authorization for the City Manager to execute Change Order Number 2 to the Standard Form Agreement for the Construction Services by and between the City of Frisco and JRJ Paving, LP. for the construction of Frisco Street (Main Street to Frisco Square Blvd)(CE08-0003). (Engineering/MB)
21. Consider and Act on a Resolution approving the submission of a grant application to the North Central Texas Council of Governments and the Office of the Governor, Criminal Justice Division for the funding under the Violence Against Women Grant Program and authorizing the submission of the grant application by the City Manager or his designee. (CMO/JM)

09-01-10R

22. Consider and act on a resolution approving amendments to the Bylaws of the Arts of Collin County Commission, Inc. to allow two representatives to the Board of Directors for each owner city. (CMO/HJH)

09-01-11R

23. Consider and Act upon the appointment of Mr. Bobby J. Baggett to the vacant "At-Large" seat on the Arts of Collin County Commission, Inc. (CMO/HJH)

## **REGULAR AGENDA**

24. Public Hearing: Zoning Case Z08-0017, A request to amend Planned Development-201 regarding landscape requirements along the northern property line and consider and act to direct staff to prepare an Ordinance of the same. The property contains 107.5± acres located on the west side of Custer Road, 2,000± feet north of Eldorado Parkway. Zoned Planned Development-201-Single Family-3/Single Family-4/Single Family-5. Neighborhood #6. (Planning & Development Services)

John Lettelleir was present to address the Council regarding a request to amend Planned Development-201 regarding landscape requirements along the northern property line.

Council member Prince moved to open the public hearing. Council member Cheney seconded.

Passed

Vote: 6 – 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

There was no one present to speak for or against Item 24.

Council member Cheney moved to close the public hearing. Council member Johnson seconded.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

Council member Johnson moved to direct staff to bring back an Ordinance. Council member Cheney seconded the motion.

Passed

Vote: 6 – 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

25. Public Hearing: Municipal Storm Water Utility System and Municipal Storm Water Utility System Fee Schedule. (Engineering/LC) (Continued from 12/16/08)

Staff requested the Public Hearing be continued to the 01/20/2009 Regular CC Meeting.

Public Hearing was previously continued from the 12/16/2008 Regular City Council Meeting.

Deputy Mayor Pro Tem West moved to open the public hearing. Council member Prince seconded.

Passed

Vote: 6 – 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

There was no one present to speak for or against Item 25.

Deputy Mayor Pro Tem West moved to continue the Public Hearing to the next council meeting. Council member Prince seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

26. Consider and act upon adoption of an Ordinance establishing a Municipal Storm Water Utility System and an Ordinance establishing a Municipal Storm Water Utility System Fee Schedule. (Engineering/LC) (Tabled 12/16/08)

Staff requested Item 26 be Tabled to the 01/20/2009 Regular CC Meeting.

Mayor Pro Tem Felker moved to Table the Item. Deputy Mayor Pro Tem West seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

27. Consider and act upon a resolution authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Frisco and City of McKinney, providing temporary Frisco Fire/EMS response in a temporary fire district in western McKinney. (Fire)

Fire Chief Mack Borchardt introduced McKinney Fire Chief Mark Wallace, Asst Fire Chief Frank Roma, Supervisor, Rick Chaffin and Council member Ray Reece. Chief Borchardt addressed the Council regarding a Memorandum of Understanding by and between the City of Frisco and the City of McKinney.

Council member Reece thanked the Council for their consideration of the Memorandum, as well as Chief Borchardt, the Frisco Fire Department, and City



Manager George Purefoy.

Council member Crowder moved to approve Resolution No. 09-01-12R authorizing the City Manager to execute a Memorandum of Understanding by and between the City of Frisco and City of McKinney, providing temporary Frisco Fire/EMS response in a temporary fire district in western McKinney. Mayor Pro Tem Felker seconded the motion.

Passed

Vote: 6 - 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder, David Prince.

Against: (None)

28. Consider and act upon whether to direct staff to submit a written notice of appeal on behalf of the City Council to Planning and Development Services, pursuant to Article IV, Section 1.07(C) of the Comprehensive Zoning Ordinance and/or Section 4.05 of the Subdivision Regulation Ordinance, regarding action taken by the Planning and Zoning Commission on any site plan or plat. Any written notice of appeal must be submitted to Planning and Development Services. (Planning and Development Services)

There were no appeals.

Council returned to Citizen Input.

29. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Feedback from staff on the result of the comments from Elizabeth Brady during Citizen Input.

Explanation of methodology of the installation of traffic signals on Eldorado Parkway at Frisco Street, North County Road and Rogers Road.

Update from TxDOT on lighted signs.

30. Discussion on Governance Monitoring of present City Council Meeting.

Council member Cheney stated Council was efficient and did a satisfactory job.

## **ADJOURN**

There being no additional business, Council member Crowder moved to Adjourn. Council member Johnson seconded the motion.

Passed

Vote: 6 – 0

For: Joy West, Tony Felker, Scott Johnson, Jeff Cheney, Bart Crowder,  
David Prince.  
Against: (None)

The meeting was adjourned at 8:20 p.m.

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Maher Maso, Mayor

ATTEST:

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Ron K. Patterson, Interim City Secretary